

Kevin P. Rooney, #107554  
Of Counsel, HAMMERSCHMIDT LAW CORPORATION  
2445 Capitol Street, Suite 215  
Fresno, CA 93721  
Tel: (559) 233-5333  
Fax: (559) 233-4333

Attorney for Defendant, GERARDO DIEGO PEREZ

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERARDO PEREZ,

Defendant.

CASE NO. 1:21-CR-00185-JLT-BAM

STIPULATION TO VACATE STATUS  
CONFERENCE, SET CHANGE OF PLEA DATE  
PLEA, AND EXCLUDE TIME PERIODS UNDER  
THE SPEEDY TRIAL ACT; AND ORDER

DATE: December 11, 2024

COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This case was set for a status conference on December 11, 2024.
2. The parties request the Court allow them to stipulate to vacate the status conference and to set a change of plea date before the Honorable Jennifer L. Thurston. The anticipated date for that change of plea is January 6, 2025.
3. Based on the above-stated findings, the ends of justice served by continuing the case for a change of plea as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period from December 11, 2024 through January 6, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends

of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 6, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ KIMBERLY A. SANCHEZ  
KIMBERLY A. SANCHEZ  
Assistant United States Attorney

Dated: December 6, 2024

/s/ KEVIN ROONEY  
KEVIN ROONEY  
Counsel for Defendant  
GERARDO PEREZ

**ORDER**

The status conference currently set for December 11, 2024 is vacated. A change of plea hearing is set for **January 6, 2025, at 9:00 a.m. in Courtroom 4 before District Court Judge Jennifer L. Thurston.** Time is excluded through from December 11, 2024 through and including January 6, 2025 pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv). The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: **December 10, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE